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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Giann-Hsing Chen et al.

ROLLER FOR USE IN A FUSING
STATION

Serial No. 10/667,996

Filed 22 September 2003

Group Art Unit: 1773

Examiner: R. E. Zacharia

I hereby certify that this correspondence is being
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Debra M. Haag
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FEB. 9, 2005
Date

Commissioner for Patents
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Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION, AND TO
OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

For the purpose of avoiding the payment of multiple terminal
disclaimer fees, pursuant to M.P.E.P. § 804.02(IV.), this Terminal Disclaimer is
filed with respect to two different references – pending second Application No.
10/667,548, and prior Patent No. 6,486,441.

Pending Second Application No. 10/667,548

The owner, Eastman Kodak Company of the entire interest in the
instant application, hereby disclaims except as provided below, the terminal part
of the statutory term of any patent granted on the instant application, which would
extend beyond the expiration date of the full statutory term defined in 35 U.S.C.
154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the
grant of any patent granted on pending second Application No. 10/667,548. The
owner hereby agrees that any patent so granted on the instant application shall be
enforceable only for and during such period that it and any patent granted on the
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the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant on the second application, in the event that any patent granted on the second application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Prior Patent No. 6,486,441

The owner, Eastman Kodak Company of the entire interest in the instant application, hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer, of prior Patent No. 6,486,441. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent hereafter: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

☒ The undersigned is an attorney of record. (If this box is not checked do
Not use this form)

Date Telephone: 585 722-5023 Facsimile: 585 477-1148	<u>Feb 9, 2005</u> <u>Paul A. Leipold</u> Paul A. Leipold Attorney of Record Registration No. 26,664
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☒ Please charge the fee to Eastman Kodak Company Deposit
Account 05-0225. (A duplicate copy of this request is enclosed)

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.